

CITY OF MILFORD
REGULAR MEETING
JULY 3, 2012
MINUTES

A regular meeting of the Mayor and Council of the City of Milford, Nebraska was held at the Webermeier Library Building in said City on the 3rd day of July 2012 at 7:30 pm. Present were: Council members: Jeff Baker, Rick Fortune, Jeff Heckman, Dan Kral; Attorney Robert Blevens; Chief of Police Forrest Siebken; Maintenance Supt. Mark Frey and City Clerk Jeanne Hoggins. Absent: Mayor Dean Bruha. Also present: T.J. Buchli, Aaron Hershberger, Jason Roth, Elaine Plessel, Bill Lauber, Bob Boshart, Ben McCullough, Rusty McCullough and Bill Hafer with the press.

Notice of the meeting was given in advance thereof by publishing in the Milford Times; a designated method for giving notice, as shown by the Affidavit of Publication attached to these minutes. Notice of the meeting was given to the Mayor and all members of the Council and a copy of their acknowledgement of receipt of notice and the agenda is attached to these minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

CALL TO ORDER: President of Council Jeff Heckman called the meeting to order at 7:32 pm. and publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act is available for review and is posted on the east wall of the Webermeier Library Meeting Room.

MINUTES: A motion was made by Fortune and seconded by Kral to approve the minutes of the June 5, 2012 meeting. Roll call vote: Fortune yes, Kral yes, Baker yes, Heckman yes. Motion carried.

PAYMENT OF BILLS: A motion was made by Kral and seconded by Heckman that the following bills in the amount of \$60,524.54 and payroll in the amount of \$38,955.52 approved by the Auditing Committee be approved for payment. Roll call vote: Kral yes, Heckman yes, Baker yes, Fortune yes. Motion carried.

SALARIES:

53738	Mark Frey	1516.38
53739	Forrest Siebken	1352.43
53740	Mavis Ferris	90.65
53741	Jeanne Hoggins	1358.40
53742	Gary TeSelle	810.64
53743	Robert Hull	905.18

53744	David Dahle	1069.08
53745	George Matzen	684.54
53746	Tracy Yeackley	742.32
53747	Larisa Roth	551.52
53748	Megan Kremer	938.78
53749	Benjamin Rediger	803.19
53750	Craig Corder	1627.47
53751	Josiah Jensen	438.10
53752	Jason Meyer	1109.25
53753	Dylan Tegtmeier	461.47
53754	Caleb Dahle	464.29
53755	Kyle Hoggins	366.55
53756	Rebecca Anderson	190.74
53757	Tiffany Blair	321.16
53758	Sean Stahly	134.23
53759	Allison Spath	316.56
53760	Jillian Boden	245.31
53761	Lisa Aschoff	600.17
53762	Erica Pallas	302.51
53763	Timothy Long	85.51
53764	Ian Rempel	311.25
53765	Derek Tegtmeier	492.51
53766	Dakotah Buchli	492.51
53767	Taylor Klein	385.68
53777	Mark Frey	1516.38
53778	Forrest Siebken	1352.43
53779	Mavis Ferris	83.67
53780	Jeanne Hoggins	1358.40
53781	Gary TeSelle	768.55
53782	Robert Hull	1363.02
53783	David Dahle	1103.09
53784	George Matzen	684.54
53785	Tracy Yeackley	672.54
53786	David Jensen	51.84
53787	Larisa Roth	777.61
53788	Megan Kremer	570.82
53789	Benjamin Rediger	783.39
53790	Craig Corder	1198.91
53791	Jessica Young	133.37
53792	Josiah Jensen	313.43
53793	Jason Meyer	1062.15

53794	Dylan Tegtmeier	373.51
53795	Caleb Dahle	516.66
53796	Kyle Hoggins	275.78
53797	Rebecca Anderson	319.57
53798	Tiffany Blair	331.64
53799	Sean Stahly	200.46
53800	Allison Spath	328.55
53801	Jillian Boden	407.60
53802	Lisa Aschoff	609.50
53803	Erica Pallas	284.32
53804	Timothy Long	76.95
53805	Derek Tegtmeier	492.51
53806	Dakotah Buchli	547.23
53807	Taylor Klein	473.94
53810	Ricky Fortune	141.52
53811	Dean Bruha	188.70
53812	Jeffery Baker	141.52
53813	Jeff Heckman	141.52
53814	Dan Kral	141.52

GENERAL FUND:

53676	US Postmaster- Utility Billing Postage	195.72
53677	Chad Brehmer- WA/SW Refund	16.03
53678	Shawn Christensen- WA/SW Refund	44.48
53679	Nathan Gortemaker- WA/SW Refund	24.83
53680	Matthew Hall- WA/SW Refund	68.39
53681	Phil Minnick- WA/SW Refund	14.36
53682	Justin Packett- WA/SW Refund	49.43
53683	Matthew Sample- WA/SW Refund	40.12
53684	Brady Weddle- WA/SW Refund	74.35
53685	Robert Wiggins- WA/SW Refund	4.02
53686	Chris Williams- WA/SW Refund	21.51
53687	Lance Oatman- WA/SW Refund	47.68
53688	Malcolm Baseball- 12 U League Tourn. Entry	350.00
53689	Alamar Uniforms- Pants, Shirts	118.17
53690	Allied Insurance- Bonds Hostetler/ Yeackley	425.00
53691	American Fence- Child Proof Latch	119.76
53692	American Red Cross- Fee for Swimming Lessons	200.00
53693	Aramark- Pants & Rags	522.40
53694	AT&T- Long Distance	19.50
53695	Black Hills Energy- Service for May	454.92
53696	Cash-WA- Salads	54.44

53697	Central States Lab- Paint, Freight, Soap	631.03
53698	Consolidated Management Co.- Meals @ NLETC	12.75
53699	Diode Communications- Service for May	55.22
53700	Eakes- Printer, Cartridges, Index Cards, Paper Prod.	1373.55
53701	Emergency Medical Products- Rescue Supplies	288.61
53702	Farmers Co-op- Tire Repair, Battery, Patch, Fuel	957.30
53703	G&P Development Landfill- Tournament Trash	31.79
53704	Great Plains-One Call- Locate Requests	19.19
53705	Hawkins Inc- Acid, Freight	129.40
53706	Heartland Auto Body- Instrument Replacement	443.18
53707	Holly Stutzman- Refund, Overcharged for Pool Pass	20.00
53708	Howard Johnson- Rooms for Fire School	688.00
53709	John Deere Financial- Spindle, Belt, Locknut	285.80
53710	Matheson Tri-Gas- Oxygen	76.26
53711	Milford Supermarket- Food, Supplies, Towels	209.40
53712	Milford Fire& Rescue- EMT Renewal	35.00
53713	Municipal Supply- Meters	3454.02
53714	Mutual of Omaha- Medicare Supplement	786.87
53715	Mutual of Omaha- Disability	30.24
53716	Nana's Nook & Nursery- Memorial Day Flowers	220.00
53717	NE Motor Parts- Bolt Cutter, Battery, Bolts, Tools	241.70
53718	Nebraska Public Health- Coliform Test	20.00
53719	NPPD- Service for May	6642.84
53720	Omaha Wholesale Hardware- Freight	15.88
53721	Pizza Kitchen- Catered Meals	102.50
53722	Randall Williams- Repair Router	75.00
53723	Roger's Automated Entrance- Automatic Doors	102.63
53724	Roxanne Roth- Cleaning Services	75.00
53725	Sam's Club- Candy for Pool	441.24
53726	Seward Co Public Power Dist- Wells 1&2	304.55
53727	Seward Co Independent- Subscription, Meeting Notice	33.75
53728	Shell Fleet Plus- Gas for '08 Truck	262.31
53729	Sunrise Country Manor- May Meals	1002.75
53730	The Garbage Co.- Service for May	137.50
53731	TooFast Supply- Broom, Handle	359.47
53732	Travis Fougeron- Mileage	87.00
53733	Verizon Wireless- Cell Phones	93.48
53734	Verizon Wireless- Cellular Charges	102.26
53735	Verizon Wireless- Air Cards	80.02
53736	Wergin's Lawn Service- Fertilize Sr. Center & B St.	57.00
53737	Windstream- Service for May	560.13

53768	Ameritas Group-Pension	1647.95
53769	Union Bank- HSA	705.00
53770	Aflac- Dis, Cancer, Acc., Supp.	661.39
53771	American Building Inspectors- Monthly Insp. Fee	450.00
53772	Companion Life Insurance- Dental Coverage	599.66
53773	Companion Life Insurance- Vision Coverage	19.93
53774	Coventry Health Care- Health Ins 7/1-7/31	6909.50
53775	Ft. Dearborn- Life Insurance	113.52
53776	Seward Co. Economic Dev.- Annual Contribution	4500.00
53808	Ameritas Group- Pension	1647.95
53809	Union Bank- HSA	705.00
53823	Advanced Graphix- Graphic Panel Repair	65.00
53824	Aloha Roth- Cake	20.00
53825	Am. Chamber of Commerce- HR&Personnel Manuals	258.00
53826	Baker & Taylor- Books	921.42
53827	Berry- Directory Advertising	16.15
53828	Blevens Law Office- Legal Service for June	350.00
53829	Card Service Center- Good for Fire School	175.12
53830	Cash-WA- Food	133.31
53831	City of Milford- Poster Board, Postage	40.09
53832	Concrete Works, Inc- Break out & Repair Hwy.	675.00
53833	Culligan- Drinking water, Softener & Cooler Rent	38.55
53834	Don's Pioneer Uniforms- Badge, Badge Wallet S&H	163.49
53835	Eagle Booster Club- Final Purchase Popcorn Machine	200.00
53836	Gall's Inc- Replacement Bulb for Spotlight	67.09
53837	George Matzen- Toner, Carpet Cleaner	488.37
53838	Gerhold Concrete Co.- Sand	89.25
53839	GreatAmerica Leasing- Meter Rent	80.00
53840	Hawkins- Azone, Bleach, Acid, Freight	3248.39
53841	JEO Consulting- Payment, Bidding & Negotiation	2500.00
53842	Jerry Shald- CGA X-Fill, Adapter, Shipping	443.25
53843	Kyle Fastenau- Milage for Fire School	90.50
53844	Menard's- Post, Concrete Mix	92.68
53845	Milford Plumbing- Fitting, Service Call, Urinal	205.34
53846	Milford School Dist- Parking Fines	20.00
53847	Milford ValuRite Pharmacy- Accu Check, Tester Strips	53.99
53848	Milford Fire & Rescue- NSVA Memberships, EMS	1480.00
53849	National Patent Analytical Systems- Repair Date Master	181.63
53850	NWEA- Operaters Conf- TeSelle/ Frey	120.00
53851	OMB Guns- Ammo	365.99
53852	Orscheln- Coupling, Tee, Rope, Bolt, Nozzle, Handle	120.75

53853	Public Agency Training Council- Seminar Fee	295.00
53854	Reader Service- Books	12.99
53855	Reimers Kaufman Concrete- Marble Dust	339.72
53856	Ikon Office Solutions- Meter Rent 6/4-7/3	196.88
53857	Roxanne Roth- Cleaning Service	50.00
53858	Shell Fleet Plus- Fuel Expense	833.82
53859	Union Bank- Gary TeSelle, Medicare Part D	431.50
53860	Verizon Wireless- Well Control Monitor	40.01
53861	Wal-Mart- DVD's, Index Cards, Glue, Supplies	219.52
53862	Water Environment Federation- Memberships	40.00
53863	Windstream- Civil Defense, Sr. Center, Sewer Phone	240.18

REPORTS OF OFFICERS, BOARDS AND COMMITTEES: Written reports received were Milford Housing Authority minutes for June 14, 2012; Milford Aging Services Commission minutes for June 26, 2012; Police Dept. activity reports for April, May and June 2012; MVFD Fire & Rescue NARSIS Report for June 2012. Baker – Lights are done in the Uptown Park but have not been placed on timers yet. Kral – dealing with 2 air conditioning units at the Fire Station. Frey – Trimming and cutting down trees, street buckled on North F which they will be addressing soon, wells all running good and pumping adequately, notice with water bills to remind residents of possible water restrictions. Chief Siebken will be gone 2 weeks in July for D.A.R.E. Future Officers training in South Dakota.

COMMUNICATIONS: *Sales tax received for the month of April 2012 in the amount of \$12,326.59. *Letter received from GSS Integrated Environmental Solutions regarding notice of publication on proposed construction of Cellular One tower on Historical property. *Notification of NPPD proposed rate increase in 2013. *Notification from DEQ regarding expansion of G & P Development Landfill. *Thank you received from Webermeier Scholarship Recipient Paxton Folkerts.

UNFINISHED BUSINESS:

Approval of SCEDC Membership Agreement: Council member Kral noted that last month he questioned the return on local projects and the 10% increase in annual contributions by the City of Milford. Executive Director of the Seward County Economic Development Corp. provided a break-down of funding requests for fiscal years 2011-2012, 2012-2013 and 2013-2014 for all entities involved. Kral mentioned that he has seen local involvement in the last month and has no objection to the request of \$5,000.00 for 2012-2013. A motion was made by Fortune and seconded by Baker to approve the membership agreement with SCEDC. Roll call vote: Fortune yes, Baker yes, Heckman yes, Kral yes. Motion carried.

Conditional Use Permit, Follow-up @ Dairy Queen: Chief Siebken reported that the curb has been ground down and they have rerouted the drive-thru. Requirements have been met for the conditional use permit.

NEW BUSINESS:

Acting president Heckman requested to move item (k) of the agenda to the top. Council agreed.

Archery Range @ South Park – T.J. Buchli & Aaron Hershberger: T.J. Buchli informed the Council that archery is becoming a bigger sport, for all ages, than it used to be. Milford doesn't have an area for practicing and people are using their back yards. The closest range is at Pawnee Lake. He would like to propose the use of the South Park for an Archery Range. There is a perfect spot in the Southwest corner where they would have enough room and behind the river is a high dirt bank. There is a red swing-set that he understood would be removed sometime in the future. Mr. Buchli presented some information regarding Federal funding that requires a 75/25 match. The City could match their 25% in a form of volunteer labor hours. The Commission will reimburse up to 75% of the total project cost not to exceed material cost of the project. Game and Parks representative Aaron Hershberger highlighted the different groups in the area having an interest in archery. He also noted the ranges are being used a lot in the fall prior to hunting season. Pictures were distributed showing the type of equipment needed. Mr. Hershberger explained that the City will need to review the draft document and decide if this is something they would like to do and then sign a Service Agreement between the NE Game and Parks Commission and the City of Milford. The Council members were concerned with hours of operation, rules and age requirements. These guidelines could be posted on the property. It was noted that this would be an unsupervised range. The Council would like to provide details to our insurance carrier to get their opinion. Council member Fortune suggested they look at the Northwest corner of Welch Park. This area is not used very often. The item is tabled until next month's meeting.

Action on request to increase cost of Cemetery Spaces: Chairman of the Cemetery Board Bill Lauber reported on the May meeting and the Board's recommendation to increase the price of a single grave space from \$200.00 to \$250.00. Single spaces have been \$200.00 for many years and the Cemetery Board would like to be proactive. Mr. Lauber gave examples of lot prices from other area cemeteries. Milford may explore a future increase but at this time \$250.00 is sufficient. A motion was made by Fortune and seconded by Kral to accept the recommendation of the Cemetery Board and increase the price of a single space to \$250.00. Roll call: Fortune yes, Kral yes, Baker yes, Heckman yes. Motion carried. On a side note the Cemetery

Board also discussed Cemetery expansion as the amount of full 4 space family lots are dwindling. The maintenance guys are doing a great job at the cemetery and Bill has some ideas for future beautification.

Set date for Budget Work Night: Council set July 24, 2012 at 6:00 pm. as Budget work night.

Approve E911 Budget for 2012-2013: The Budget presented, showed a 2.58% overall increase. Discussion was held regarding the format of the document and that it doesn't show revenue. Blevens questioned the cash reserve funds and how that money is distributed after the fact. How can you approve a budget when you don't know the amount of money that will be applied from the previous year? Discussion was held how the County handles this situation. The approval of the budget was to be made by July 1, 2012 and since we didn't make the deadline the City's approval is not needed. No action taken on the matter. Brief discussion held regarding deadline for agenda items.

Discuss Recreational Fires/Fire Pits – Bob Boshart: Mr. Boshart explained a couple of incidents where a neighbor was burning in their back yard and the smoke was blowing into the Boshart's windows. He notified the Police Dept. on both occasions. He had in-hand a copy of the codes regarding open burning within the corporate limits. According to the municipal code book; there shall be a statewide open burning ban on all bonfires, outdoor rubbish fires, and fires for the purpose of clearing land. Chief Siebken created a proposed ordinance relating to recreational fires and Mr. Boshart is against fire rings due to the smoke nuisance. Heckman noted that there are people that burn responsibly and it's unfortunate that Mr. Boshart had to experience this. This is the first incident that has been brought to the City Council. Chief Siebken checked with the City of Lincoln regarding fire rings and they have adopted the International Fire Code to address their issues. Further discussion was held regarding age, time to allow burning, starting fires and fines. Attorney Blevens suggested rewording the ordinance that was presented, reviewing the present ordinances pertaining to burning, as they are a bit confusing, and table the item until the Council can review the new proposed ordinance regarding burning. Item tabled.

Introduction and Adoption of Ordinance – Recreational Fires/Fire Pits: Item tabled.

Appointment: A motion was made by Kral and seconded by Heckman to appoint Sue Fortune to the Library Board. Roll call vote: Kral yes, Heckman yes, Baker yes, Fortune yes. Motion carried.

Approve payment from Economic Development Fund: Invoice from benesch engineers, Asbestos Testing at Lutheran Church: A motion was

made by Kral and seconded by Baker to approve payment of \$926.50 to benesch engineers for professional services of asbestos consulting at the former Lutheran Church. Roll call vote: Kral yes, Baker yes, Fortune yes, Heckman yes. Motion carried.

Recommend action for Delinquent WA/SW Accounts: Item tabled as Fortune would like to hold further discussion regarding the matter.

Award bid for demolition of Good Shepherd Lutheran Church: Two bids were received; Martin Excavating, Milford and Anderson Excavating, Omaha. Bid specs were advertised to break down the asbestos removal and both parties submitted their bids accordingly. Martin Excavating: Base bid - \$29,000.00, asbestos removal - \$4,000.00 totaling \$33,000.00. Anderson Excavating: Base bid - \$62,327.00, asbestos removal - \$20,633.00 totaling \$82,960.00.

Heckman noted the last time we discussed demolition; the Lutheran Church was to be responsible for the removal of the asbestos. Before we can award a bid for demolition we must get a commitment from the Lutheran Church that they will take care of this. Kral pointed out that we have an option to purchase agreement that expired July 1, 2012. Two things need to happen: 1) see if they will extend the period of time and 2) see if they will pay the \$4,000.00. Action cannot be taken on awarding a bid to demolish the building due to expiration of contract. Blevens will type up an extension for Option to Purchase and an agreement to remove the asbestos.

Approve Special Designated Liquor License for Beer Garden, Sheri's Grill and Bar – August 18, 2012: A motion was made by Baker and seconded by Fortune to approve the Special Designated liquor license for Sheri's Grill and Bar on August 18, 2012. Roll call vote: Baker yes, Fortune yes, Heckman yes, Kral yes. Motion carried.

Discuss limitation of number of dogs & cats per household: There has been some concern with the number of animals within a household and the barking and odor in which it causes. Chief Siebken is aware of several homes in town in which dogs are bred and puppies are sold. He is also aware of one home that has a combination of dogs and cats totaling 15 animals. Blevens stated that most of these ordinances have restrictions of 3 dogs or cats unless they are bred and have animals under the age of when they can be released. Typically if they have more than 9 animals a kennel license is needed. Blevens will put together an ordinance for consideration next month. Item tabled.

Approve exercise of option to purchase Real Estate at 620 2nd Street: Blevens asked if it was the intent of the Council to purchase the Church if they agree to remove the asbestos. The Council agreed that this is the intent.

A motion was made by Kral and seconded by Fortune to authorize the Mayor to proceed with the purchase of the Lutheran Church property provided that the current owner agrees to extend the option period and agrees to pay for the asbestos removal. Heckman added that it is contingent on the extension and approval to pay for the asbestos removal. Roll call vote: Kral yes, Fortune yes, Baker yes, Heckman yes. Motion carried.

Council member Baker forgot to mention during **communications** that Jan Bell would like to construct a picnic shelter south of the existing concession stand as a memorial to Ron Bell. She needs to get the Council's permission and Baker would like to add this to the July 24th special meeting agenda.

ADJOURNMENT: A motion was made by Baker and seconded by Kral to adjourn the meeting. Roll call vote: Baker yes, Kral yes, Fortune yes, Heckman yes. Motion carried and meeting adjourned at 9:20 pm.

Jeanne Hoggins, City Clerk

Dean A. Bruha, Mayor

CERTIFICATION

I, the undersigned, City Clerk of the City of Milford, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council on July 3, 2012 that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

(SEAL)

Jeanne Hoggins, City Clerk